IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16713 of 2004

Between:

S. Veer Reddy S/o Somireddy, Secretary (under suspension)
R/o Vedurupaka, Rayavaram Mandal, East Godavari District

..... PETITIONER

AND

1 The Registrar of Cooperative Societies, Government of Andhra Pradesh, Hyderabad.
2 The Divisional Cooperative Officer-cum-Deputy Registrar of Cooperative Societies, Rajahmundry
3 The District Cooperative Officer, Kakinada
4 Varahi Primary Agricultural Cooperative Credit Society Ltd., rep by its Chairman, Vedurupaka, Rayavaram Mandal East Godavari District.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the proceedings bearing Rc. No. 695/2002-A dated 23-08-2004 passed by the respondent No.3 and the proceedings dated 31-08-2004 issued by the Respondent NO.4 as illegal and ultra vires to the provisions of article 14 of the Constitution of India and also the mandatory provisions of the A.P. Cooperative Societies act and the Rules framed there under on the subject from time to time.

Counsel for the Petitioner: Mr.V.S.R.ANJANEYULU

Counsel for the Respondents 1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4: Mr. C.V. Mohan Reddy

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The Court at the admission stage made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 16713 of 2004

O R D E R**:**

Learned counsel for the petitioner reported no instructions from the petitioner.

Perused the material papers on record.

The petitioner was placed under suspension by the impugned proceedings dated 23.8.2004. It is a suspension pending enquiry under Section 51 of the A.P. Cooperative Societies Act, 1964. It is stated in para 9 of the writ affidavit that under Section 51 of the Act the power has to be exercised by the Registrar and any subordinate officer has no power to exercise that power.

The respondents filed counter affidavit stating that the Registrar has delegated the power to the 3rd respondent under G.O.Ms.No. 34 Food and Agriculture (Co-op.IV), dated 18.1.1989 and the order of suspension of the petitioner is passed having power, authority and jurisdiction.

As per G.O.Ms.No.34 Food and Agriculture (Co-op.IV) dated 18.1.1989, the Deputy Registrar of Cooperative Societies in-charge of the said Division can exercise the powers under Section 51 of the A.P. Cooperative Societies Act. Therefore, the allegation in the writ affidavit that the person who issued the impugned proceedings has no jurisdiction is devoid of merits. Since the jurisdiction aspect is untenable, the writ petition is devoid of any merit and it is accordingly dismissed at the stage of admission.

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K.C. Bhanu, J.

Date: 17-01-2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Registrar of Cooperative Societies, Government of Andhra Pradesh, Hyderabad.
2 The Divisional Cooperative Officer-cum-Deputy Registrar of Cooperative Societies, Rajahmundry
3 The District Cooperative Officer, Kakinada
4 The Chairman, Varahi Primary Agricultural Cooperative Credit Society Ltd., Vedurupaka, Rayavaram Mandal, East Godavari District.

5. 2CCs to Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).

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